

FILED
U.S. DISTRICT COURT
2010 JUN 16 P 3:20
S.D. OF N.Y. W.P.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHANA FRIEDMAN-KATZ,

Plaintiff,

v.

PROFESSIONAL RECOVERY SERVICES, INC.

JURY DEMANDED

Defendant.
-----X

'10 CIV 04708

COMPLAINT

JUDGE KARAS

INTRODUCTION

1. Plaintiff brings this action to secure redress against unlawful collection practices engaged in by defendant Professional Recovery Services, Inc. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA") and state law.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. §§1331, 1337 and 1367 and 15 U.S.C. §1692k (Fair Debt Collection Practices Act). Venue in this District is proper because defendant's collection communications were received in this District.

PARTIES

3. Plaintiff Chana Friedman-Katz is an individual who resides in the Southern District of New York.

4. Defendant Professional Recovery Services, Inc. is a New Jersey business corporation located at 221 Laurel Road, Ste 160, Voorhees, New Jersey, 08043.

5. Professional Recovery Services, Inc. is a collection agency as defined in the FDCPA.

FACTS

6. Defendant has repeatedly contacted plaintiff for the purpose of collecting a personal debt allegedly owed by plaintiff to Chase Home Finance.

7. On February 4, 2010, plaintiff notified defendant not to contact her. This dispute letter was sent via facsimile. A copy of the letter and the facsimile receipt are attached as Exhibit A.

8. On February 22, 2010, defendant sent plaintiff an additional collection letter. A Copy is attached as Exhibit B.

VIOLATIONS ALLEGED

9. Professional Recovery Services, Inc. violated the FDCPA, 15 U.S.C. § 1692c, by continuing to contact plaintiff after being told to cease and desist and by contacting plaintiff.

10. Section 1692c provides:

§ 1692c. Communication in connection with debt collection
[Section 805 of P.L.]

(a) Communication with the consumer generally -- Without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction, a debt collector may not communicate with a consumer in connection with the collection of any debt - ...

(c) Ceasing communication -- If a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector shall

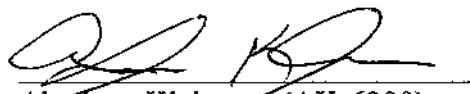
not communicate further with the consumer with respect to such debt, except --

- (1) to advise the consumer that the debt collector's further efforts are being terminated;
- (2) to notify the consumer that the debt collector or creditor may invoke specified remedies which are ordinarily invoked by such debt collector or creditor; or
- (3) where applicable, to notify the consumer that the debt collector or creditor intends to invoke a specified remedy.

If such notice from the consumer is made by mail, notification shall be complete upon receipt ...

WHEREFORE, plaintiff requests that the Court enter judgment in favor of Plaintiff and against defendant for:

- a. Statutory damages;
- b. Actual damages;
- c. Attorney's fees, litigation expenses and costs of suit;
- d. Such other or further relief as the Court deems proper.


Abraham Kleinman (AK-6300)
KLEINMAN LLC
626 RXR Plaza
Uniondale, New York 11556-0626
Telephone (516) 522-2621
Facsimile (888) 522-1692

JURY DEMAND

Plaintiff demands trial by jury.



Abraham Kleinman (AK-6300)

EXHIBIT A

CHANA FRIEDMAN-KATZ

85 HIGHVIEW ROAD
SUFFERN, NY 10901

February 4, 2010

SENT VIA FACSIMILE TO 856-770-9633

Professional Recovery Services Inc.

P.O. Box 1880

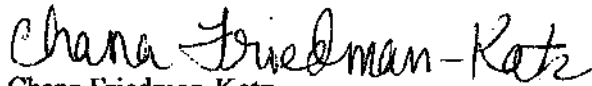
Voorhees, NJ 08043

Re: Account # 9166930
Client # 1000024475210101

To Whom It May Concern,

Please be advised that I hereby dispute the validity of this debt. Please send me written verification of this disputed debt. Please also send me the address of the original creditor.

Sincerely,



Chana Friedman-Katz

TRANSMISSION VERIFICATION REPORT

TIME : 02/04/2010 10:50
NAME : LAW OFFICES
FAX : 8456240288
TEL : 8456240288
SER.# : BROKBJ070338

DATE, TIME	02/04 10:49
FAX NO./NAME	18567709633
DURATION	00:00:42
PAGE(S)	02
RESULT	OK
MODE	STANDARD

EXHIBIT B

ADDRESS SERVICE REQUESTED

#BWNLCVS S-ONPREC10 L-120 A-9166930
#091669305# P10SSN00303504 I03505
CHANA FRIEDMAN-KATZ
85 HIGHVIEW RD
SUFFERN NY 10901-4017

PROFESSIONAL RECOVERY SERVICES INC.
P.O. BOX 1880
VOORHEES NJ 08043

02/22/10

Account # : 9166930	Client # : 1000024475210101	Amount Due: \$177136.99
Client : CHASE HOME FINANCE		

✕ Detach Upper Portion And Return With Payment ✕

***** IMPORTANT COLLECTION NOTICE *****

ACCOUNT # : 9166930

RE : Your account with our client

CHASE HOME FINANCE

AMOUNT DUE : \$ 177136.99

PROFESSIONAL RECOVERY SERVICES INC.
P.O. BOX 1880
VOORHEES NJ 08043
PHONE: (866) 464-1013

Dear CHANA FRIEDMAN-KATZ,

Professional Recovery Services, Inc. is the authorized representative for the above mentioned client.

In an effort to assist you in resolving this matter, our client has authorized us to extend to you an offer to settle your account for less than the amount you owe. Please contact us so that we may work with you to establish the terms of a settlement agreement which will be acceptable to both you and our client. We are not obligated to renew this offer.

Sincerely,

Michelle Green
MICHELLE GREEN
Senior Claims Adjustor
(866) 464-1013

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector.